***

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc. No.59703-M of 2006

Date of decision: 1.12.2006

Jagdish Singh **...Petitioner**

Versus

U.T.Chandigarh **...Respondent**

CORAM: HON'BLE MR.JUSTICE ADARSH KUMAR GOEL

Present: Mr.J.K.Goel, Advocate for the petitioner

Mr.D.D.Sharma, Advocate for U.T.,Chandigarh.

****

ORDER:

This application has been filed for grant of bail. Case of the prosecution is that Beena daughter of Dhaulat Singh disappeared from her house on 5.10.2005 and returned back on 8.10.2005 and she was 16 years of age. She was suspected to have been kidnapped by the petitioner. In her statement to the police, she stated that she was allured with a promise to marry and was subjected to illegal activities.

***

It is stated that earlier bail application was dismissed on 16.1.2006. The petitioner has been in custody since 14.10.2005 and prosecutrix has made a statement as a witness on 28.8.2006 that she had herself left her home and had married the petitioner and she made a contrary statement before the police under the influence of her father.

Learned counsel for the petitioner submitted that statement of prosecutrix has already been recorded and thus release of the petitioner at this stage will not adversely affect the case of the prosecution and in view of the statement of prosecutrix further custody of the petitioner is not called for.

Learned counsel for the State points out that case is fixed for remaining evidence on 19.12.2006. Learned counsel for the State does not dispute that the date of birth of prosecutrix was 23.2.1989 as mentioned in the FIR and she was above 16 years on the date of alleged occurrence i.e. 5.10.2005.

In view of the above, without expressing any opinion on merits, petitioner is granted bail to the satisfaction of CJM,Chandigarh.

December 01,2006 **(Adarsh Kumar Goel)**
Pka **Judge**